UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,838	03/31/2004	Clark D. Jeffries	RPS920020031US1/3056P	6479

47052 7590 06/02/2008

SAWYER LAW GROUP LLP
PO BOX 51418
PALO ALTO, CA 94303

EXAMINER	
CLOUD, JOIYA M	

ART UNIT	PAPER NUMBER
2144	

NOTIFICATION DATE	DELIVERY MODE
06/02/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patent@sawyerlawgroup.com
nikia@sawyerlawgroup.com

Office Action Summary	Application No.	Applicant(s)	
	10/814,838	JEFFRIES ET AL.	
	Examiner	Art Unit	
	Joiya M. Cloud	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/20/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *25-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *25-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed on 02/20/2008. Claims 1-24 are cancelled. Claims 25-37 have been added and are pending. Applicant's arguments have been carefully considered, but are moot in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 25-37** are rejected under 35 U.S.C. 102(e) as being anticipated by **(Boucher et al., US Patent No. 6,434,620 B1)**

As per claim 25, Boucher teaches a method for controlling flow of data packets in a computer system, the method comprising: receiving data packets from one of a plurality of pipes in the computer system for processing, the data packets being received during a time interval

specific to the one pipe , each of the plurality of pipes in the computer system having a different time interval **(Abstract, where data packet are selected for either fast-path or slow-path processing and Figure 1 and Figure 2)**; examining the data packets to determine whether to transmit the data packets on a first path or on a second path in the computer system such that none of the data packets are dropped before being outputted **(Abstract, where a criteria is used to determine the fast-path or the slow-path and Figure 1 and Figure 2, where the first path and second path are the fast and slow paths)**, the first path having a first storage and the second path having a second storage, the first storage being smaller in size and faster in speed than the second storage **(col. 13, lines 32-36, the small and large buffer queues)**; and forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets, all of the data packets received during the time interval being transmitted on a same path **(col. 13, lines 32-36)**.

As per claim 26, Boucher teaches a method of claim 25, further comprising:

queuing the data packets received during the time interval in a memory of the computer system prior to examination of the data packets, wherein every data packet received from any pipe in the computer system is queued in the memory of the computer system before being examined **(col. 12, line 40-46 and col. 42, lines 55-60, lines 42-47)**.

As per claim 27, Boucher teaches method of claim 25, further comprising:

storing the data packets transmitted on the first path or the second path in an output storage of the computer system prior to outputting the data packets, wherein every data packet transmitted on

any path in the computer system is stored in the output storage of the computer system before being outputted **(col. 12, lines 40-46)**.

As per claim 28, Boucher teaches a method of claim 27, further comprising: outputting the data packets from the output storage of the computer system in an order in which the data packets were received for processing, wherein every data packet outputted from the output storage of the computer system is outputted in an order in which the data packet was received for processing **(Figure 36, where the order is carried out in Fifo sequence)**.

As per claim 29, Boucher teaches a method of claim 25, wherein forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets comprises: forwarding the data packets to the second storage for transmission on the second path responsive to occupation of data packets from the one pipe in the first storage being greater than a threshold set for the one pipe during a previous time interval specific to the one pipe **(col. 11, lines 27-34 and col. 79, lines 51-61 and Figure 22)**.

As per claim 30, Boucher teaches a method of claim 25, wherein forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets comprises: forwarding the data packets to the second storage for transmission on the second path responsive to occupation of data packets from the one pipe in the first storage being less than or equal to a

threshold **(if the frame fits into 200 bytes or less)** set for the one pipe during a previous time interval specific to the one pipe, the second storage containing at least one data packet from the one pipe during the previous time interval specific to the one pipe, and data packets from the one pipe having been transmitted on the second path during the previous time interval specific to the one pipe **(col. 13,lines 51-60 and col. 11, lines 27-34)**.

As per claim 31, Boucher teaches a method of claim 25, wherein forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets comprises: forwarding the data packets to the first storage for transmission on the first path responsive to occupation of data packets from the one pipe in the first storage being less than or equal to a threshold set for the one pipe during a previous time interval specific to the one pipe, and the second storage not containing any data packet from the one pipe during the previous time interval specific to the one pipe **(col. 11, lines 27-35, threshold is 200 bytes)**.

As per claim 32, Boucher teaches a method of claim 25, wherein forwarding the data packets to the first storage for transmission on the first path or to the second storage for transmission on the second path based on examination of the data packets comprises: forwarding the data packets to the first storage for transmission on the first path responsive to occupation of data packets from the one pipe in the first storage being less than or equal to a threshold set for the one pipe during a previous time interval specific to the one pipe, the second storage containing at least one data packet from the one pipe during the previous time interval specific to

the one pipe, and data packets from the one pipe not having been transmitted on the second path during the previous time interval specific to the one pipe **(col. 15, lines 33-53)**.

As per claim 33, Boucher teaches a method of claim 25, wherein the time interval specific to the one pipe is proportional to a storage capacity of the first storage for the one pipe divided by a maximum possible arrival rate of data packets for the one pipe **(col. 40, lines 40-46)**.

As per claim 34, Boucher teaches a method of claim 33, wherein the time interval specific to the one pipe is one-eighth of the storage capacity of the first storage for the one pipe divided by the maximum possible arrival rate of data packets for the one pipe **(col. 61, lines 40-49)**.

As per claim 35, Boucher teaches a method of claim 33, wherein the time interval specific to the one pipe is no more than one-half of the storage capacity of the first storage for the one pipe divided by the maximum possible arrival rate of data packets for the one pipe **(col. 61, lines 40-49)**.

As per claim 36, Boucher teaches a method of claim 25, further comprising:
setting a transmission signal for the one pipe to one when the data packets received from the one pipe are forwarded to the first storage for transmission on the first path **(Figure 3 and col. 14, lines 44-62)**.

As per claim 37, Boucher teaches a method of claim 25, further comprising: setting a transmission signal for the one pipe to zero when the data packets received from the one pipe are forwarded to the second storage for transmission on the second path **(col. 16, lines 14-20 and Figure 9c)**.

CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joiya Cloud whose telephone number is 571-270-1146. The examiner can normally be reached Monday to Friday from on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3922.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMC

May 17, 2008

/William C. Vaughn, Jr./

Supervisory Patent Examiner, Art Unit 2144